

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**DANNY HUBBARD, # 07614-043**

**PLAINTIFF**

**v.**

**No. 3:04CV117LN**

**GEOFFREY STILL, SHELLY BOONE,  
JOHN HUSEBOSCH, JON COOLEY,  
WILLIE WATKINS, JOHN FORMAN,  
ANTONIO L. PITTMAN, HAROLD  
GRAY, WLMO TOWNSEND, LEIGH  
WELLS, WILLIAM SIMPSON, KYLE  
REYNOLDS, GREGORY REYNOLDS,  
DAVID ELSON, JIM RUBLE, RONNIE  
ODOM and KEVIN MAY**

**DEFENDANTS**

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**ORDER**

This cause is before the court on several Motions filed by the parties in this action, related to the pretrial proceedings in this matter. The Defendants moved for dismissal, on the basis of the Plaintiff's failure to sign and return the medical authorization sent to him. The court construes this motion as one for sanctions based on a discovery violation. The Plaintiff has now returned that document; therefore, this Motion will be denied. The Plaintiff moved to compel oral depositions in this matter. Depositions are rarely taken in this type of case, and nothing about the facts of this case persuades the court to order depositions in this matter. Therefore, this Motion will also be denied. Finally, the Defendants have moved for an extension of time within which to complete the discovery required by the Omnibus Order earlier entered in this matter. Based on the discovery delays that have occurred in this matter, which resulted, in large part, from the delay in receiving the medical authorization from the Plaintiff, the court is of the opinion that this Motion should be granted, and this case will be moved to the next trial calendar, with all deadlines adjusted accordingly.

IT IS, THEREFORE, ORDERED, as follows:

1. The Defendants' Motion to Dismiss for Failure to Comply with the Court's Order, which the court construes as a motion for sanctions for failure to comply with discovery orders, is hereby **denied**.
2. The Plaintiff's Motion for Oral Depositions is hereby **denied**.
3. The Omnibus Order earlier entered in this matter is hereby amended, as follows:
  - a. The trial of this matter will be held on the trial calendar that begins on November 6, 2006, and ends on November 17, 2006.
  - b. Discovery shall be completed by July 31, 2006.
  - c. The deadline for submitting motions, other than motions *in limine*, is August 15, 2006.

IT IS ORDERED, this the 7<sup>th</sup> day of June, 2006.

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S/James C. Sumner  
UNITED STATES MAGISTRATE JUDGE